

1 CALIFORNIA HIGH-SPEED RAIL AUTHORITY
2 EIR/EIS PUBLIC COMMENTS HEARING
3
4 CALIFORNIA STATE CAPITOL, ROOM 112,
5 SACRAMENTO, CALIFORNIA
6 WEDNESDAY, SEPTEMBER 26, 2007 - 12:19 O'CLOCK P.M.
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24 REPORTED BY: ANGIE MATERAZZI, CSR #13116

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A P P E A R A N C E S

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HON. QUENTIN KOPP

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Chairman of the Board

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California High-Speed Rail Authority

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(Moderator)

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FRAN FLOREZ

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VICE-CHAIRPERSON

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ROD DIRIDON

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Board Member

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California High-Speed Rail Authority

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CARRIE POURVAHIDI

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Deputy Director

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California High-Speed Rail Authority

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DAN LEAVITT

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Deputy Director

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California High-Speed Rail Authority

P U B L I C S P E A K E R S

Kenneth Gosting	PSSac 1	Brad Aborn	PSSac 2
Walter Strakosch	PSSac 3	Jeremy Bailey	PSSac 4
Tom Enslow	PSSac 5	Rob Wilson	PSSac 6
Alan Miller	PSSac 7	Rudolf Rosen	PSSac 8

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1 Wednesday, September 26, 2007 12:19 o'clock p.m.

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3 HON. QUENTIN KOPP: I now open the public
4 hearing on the Draft EIR/EIS for The Central Valley for
5 the Bay Area, or if you like it the other way, the Bay
6 Area to the Central Valley. And I'm joined,
7 fortunately, by Vice Chairwoman Fran Flores. And our
8 staff representatives are deputy directors Dan Leavitt
9 and Carrie Pourvahidi.

10 This hearing is reported by a court reporter,
11 and the rule is that you identify yourself by name. And
12 if you represent an organization, the name of the
13 organization. And if you don't represent an
14 organization, if you belong to an organization but
15 you're not speaking for it, we would be interested to
16 know that as well.

17 And of course, we don't want repetitive
18 comments. This is the eighth and last public hearing on
19 the Draft EIR just mentioned. And the board today is --
20 I think you all know -- extended the time for written
21 comments to October 26th. That time would have been in

22 September 28th but for the board's action today.

23 And if you would, please favor us with signing
24 the cards that tell us your name and affiliation. I
25 have not put a time limit at any of the seven prior
1 hearings, I won't today, but please use your good
2 judgment about not repeating yourself.

3 And I should like to call the Honorable Brad
4 Aborn, member of the board of supervisors of the
5 County of Mariposa, and Kenneth Gosting of the
6 Transportation Involves Everyone organization. And then
7 I will follow that with Walter Strakosch. And if
8 anybody else wants to be heard, sign a card.

9 Mr. Supervisor, do you want to begin or do you
10 want Mr. Gosting to lay the foundation?

PSSac1-1

11 MR. GOSTING: Yeah. My name is Kenneth
12 Gosting, the executive director of Transportation
13 Involves Everyone, which is a nonprofit project and a
14 refund institute in San Francisco for Broward funds.

15 I would like to introduce who is with me,
16 Supervisor Brad Aborn who represents the area within the
17 Mariposa County and other parts of the county. Also,
18 Supervisor Aborn is a member of the San Joaquin Valley
19 Rail Committee, but I do not believe that he is
20 representing the opinions of the rail committee today.

PSSac1-1 Cont.

21 And with that, I would hand you Supervisor Aborn.

PSSac2-1

22 MR. ABORN: Good morning, Supervisor. Thank
23 you, gentlemen, ladies.

24 We're here to talk about impacts in
25 Mariposa County as far as the smog developed in the
1 Valley itself and also coming over from the Bay Area.
2 And I point out that the lead in on this that we're --
3 have got unanimous decision from our board of
4 supervisors favoring the Altamont Pass route from the
5 Bay Area to the San Joaquin Valley.

PSSac2-2

6 So with that, we have been talking to park
7 officials, and I expect that has something to you before
8 the cutoff date regarding the impact of the smog within
9 the park. Yosemite National Park is second only to
10 Sequoia as far as the impact from both the San Joaquin
11 Valley and the Bay Area. And we feel very strongly,
12 very strongly that the routing through the Altamont Pass
13 for the High-Speed Rail will help to alleviate that.

14 If you've driven the freeway lately, even the
15 day, it's stop and go and such. And that type of
16 activity on automobiles just contributes more and more
17 to the smog situation. The impact in the Yosemite Park
18 and foothill areas consist of impact on the trees, on
19 all kinds of wildlife and such too. And we have a

PSSac2-2 Cont.

20 report that came from the park itself that illustrates
21 it in more depth than I will bring up today.

PSSac1-2

22 MR. GOSTING: As part of history -- this is
23 Kenneth Gosting. As part of history, going back to the
24 High-Speed Rail Commission -- and Mr. Leavitt was around
25 during that period and Mr. Morshed, who is a member, as
1 you may recall -- there was a controversy over whether
2 the east side of the San Joaquin Valley, the Central
3 Valley, would be the corridor of choice or whether it
4 would be the west side going up to the I-5 Corridor.

5 One of the important issues that this brought
6 up at that time and one of the factors, I believe, and
7 Mr. Leavitt could correct me, the way and decision was a
8 presentation that in the long-range future, indeed if
9 there is a corridor going up the east side because
10 through Merced County, that it would have potentially
11 leave in the history -- in the future history to connect
12 a route into Yosemite, another would be by train. This
13 is of great interest to such entities as the National
14 Park Service who are dealing with gridlock on some
15 holiday weekends in Yosemite. Buses, quite frankly,
16 just don't cut it most of the time. Californians will
17 go on trains. They don't like to get on buses.

18 So what we're looking at is really a future of

PSSac1-2 Cont.

19 the transportation system that involves small counties,
20 such as, you know, Mariposa, that's not part of the main
21 core High-Speed Rail system. But what will be able to
22 spawn in the future in terms of connect or -- maybe 30,
23 maybe 40 years out, but will certainly serve to help the
24 situation in Yosemite National Park and lessen the
25 automobile impact. It was a major factor, again, in the
1 president hearing fund -- president hearing during the
2 commission's time.

PSSac1-3

3 The legislative criteria, I would draw your
4 attention to through the years is always drawn in the
5 factor of the emissions. The emissions are -- should be
6 in the criteria in terms of the choices made in
7 corridors starting with SDR6 as mentioned on the
8 emissions.

9 We don't find a comparison in the High-Speed
10 Rail Authorities, Pacheco -- this is also on EIR/EIS --
11 on what emissions of the various options where there is
12 currently highways. Altamont produces about six times
13 the emissions.

14 The Pacheco San Joaquin Valley Air Pollution
15 Control District out of Fresno in a various -- also, a
16 phenomenon -- and I'd like to introduce this into
17 evidence, is from San Joaquin Valley Air Pollution

18 Control District, and it shows of a wind pattern. And
19 this is how High-Speed Rail relates Yosemite and how
20 Mariposa County's has a stake in all this. The wind
21 pattern takes the air pollution out of Altamont and
22 blows it directly into the park in the afternoons. This
23 has resulted in some years in days of exceedence, that
24 equal or exceed Los Angeles.

25 So what happens in Yosemite in terms of air
1 pollution is -- definitely correlates to decisions of
2 the -- made by the High-Speed Rail Authority. We ask
3 that Yosemite's air pollution be considered as part of
4 the factors in the EIR/EIS to work with their air
5 pollution specialist both on a regional basis and a
6 semi-national park basis. There is a regional heritage
7 officer for the National Park Service in San Francisco.

8 I would -- after, we'll submit this into
9 evidence. And it shows the patterns for wind blown air
10 pollution going into Central Valley. Approximately
11 60 percent of the air pollution in Central Valley,
12 according to San Joaquin Valley Unified Air Pollution
13 Control District, is from mobile sources. About
14 35 percent, according to their research and California
15 Resources Board research, emanates from the northern end
16 of the San Joaquin Valley passing through the Altamont

PSSac1-3 Cont.

17 Pass, most of it, and then coming down to a lesser
18 degree as it works its way southward. Again, a lot of
19 it going into the foothills and stacking up against the
20 foothills. What we would ask is that this phenomenon
21 become part of the EIR/EIS study.

22 HON. QUENTIN KOPP: Thank you. Somebody --
23 you want to bring that up?

24 MR. GOSTING: Certainly.

25 HON. QUENTIN KOPP: Okay. I'm just curious,
1 what's the miles, the closest point of the alignment
2 Fresno to Merced to the park?

PSSac1-3 Cont.

3 MR. GOSTING: Under -- and of course
4 Mr. Leavitt could add additional information. If it is
5 the Altamont Corridor, the minimum, to Yosemite would be
6 about -- there's a way to go that's about 50 miles.

7 HON. QUENTIN KOPP: Okay.

PSSac1-4

8 MR. GOSTING: And, again, this is not part of
9 your proposed system that we think it's inevitable to do
10 that proximity account that a rail route will develop in
11 the Yosemite.

12 And certainly one of the factors that was
13 raised with the commission was the savings of about a
14 billion dollars as compared to cutting over from a west
15 side route. But going through Altamont, it makes the

PSSac1-4 Cont. | 16 odds a lot higher that you ultimately develop a Yosemite
17 connector system with internet technology.

18 HON. QUENTIN KOPP: What about the miles from
19 Merced itself to the park, how much is that?

20 MR. GOSTING: That's 75 miles.

21 HON. QUENTIN KOPP: Okay.

PSSac1-4 Cont. | 22 MR. GOSTING: There's winding roads. There
23 used to be a rail line, a Yosemite Valley rail line
24 going from Yosemite to -- it's relatively flat land done
25 by old-fashioned steam locomotives which is not exactly
1 comparable to what they are using right now.

2 HON. QUENTIN KOPP: Thank you very much.
3 Thank you, Supervisor. Say hello to Frank Long for me.

4 Walter Strakosch and then Jeremy Bailey.

PSSac3-1 | 5 MR. STRAKOSCH: Good afternoon. My name is
6 Walter Strakosch and I'm a resident of Mill Valley.
7 I've come to comment on the Bay Area to the Central
8 Valley program EIR/EIS. There are a number of issues to
9 be considered in evaluating the Altamont Pass via
10 Pacheco Pass, some of which I would discuss later.

PSSac3-2 | 11 Initially there's a cost factor pertaining to
12 go a project, a total project that started out with a
13 \$18 billion price tag. The estimated cost are now twice
14 that. With regard to the cost of the Bay Area to the

PSSac3-2 Cont.

15 Valley segment, the program EIS/EIR is not given
16 analysis of the cost, but left me with some questions
17 that the High-Speed Rail officer was unable to answer.
18 I then was referred to the lead on the DEIS/DEIR, Dave
19 Manson. He was on vacation in France and hopefully
20 enjoying the High-Speed trains. I then decided to work
21 with what I had, which was the program EIR/EIS.

PSSac3-3

22 In any event, this is my take, table S5-1
23 program. EIR/EIS shows comprehensive non-risk (mileage,
24 costs, ridership, etc) on many alternate routes between
25 the Valley and the Bay Area. There are 11 alternates
1 via the Altamont Pass and six via Pacheco Pass. What I
2 had tried to do is analyze only two. It gets too
3 complicated to go beyond that. The base of the Pacheco
4 in my judgement, the best route would be the Altamont
5 Pass.

6 What I think is important here is that the
7 project got so involved in the past five years that
8 unless you get something, anything built, you may end up
9 getting nothing built because sensible segment built and
10 operating and the rest will come very quickly.
11 High-Speed Rail is that good.

PSSac3-4

12 Following that line of reasoning, we should
13 do exactly what the French did in 1981 on the initial

PSSac3-4 Cont.

14 KGB -- TGV Line. And I rode for ten days after it
15 opened. Between Paris and Lyon, they opened the
16 majority of the line between the two cities, produced
17 the existing rail into both Lyon and Paris, and
18 completed the final segments at a later time.

PSSac3-5

19 Now, this is kind of important as is where the
20 entire Caltrain line plays the part in getting line
21 opened sooner and initially in keeping the costs down.
22 This then takes us to the best case scenario, Pacheco
23 Pass through the Altamont Pass. First, the best case
24 for the Pacheco Pass with cost figures as shown in the
25 summary table S-5-1 and further detailed in table 4.2-3,
1 it would seem that the mileage could be measured from
2 where the line leads to San Joaquin Valley. Remember,
3 the system is going all the way to Sacramento for about
4 10 miles below Merced, but it doesn't. The mileage
5 shown is 267.53. And this where I couldn't get any
6 answer, whereas the mileage is closer from the point
7 where Merced to San Jose is about 150 miles and 200 to
8 San Francisco. Anyway at a cost to \$46,300,000 a mile,
9 the 150 miles from the Valley to San Jose is \$6,946,000.
10 My base AP routing for the same strange reason
11 that is shown in table 4.23 has a mileage shown as
12 213.30 miles with the actual miles from the valley

PSSac3-5 Cont.

13 connection to the Caltrain track via a rebuilt Dumbarton
14 Bridge is about 83 miles at a cost of 58,912,000 per
15 mile. The total cost is 4,831,000 miles via that
16 routing. Therefore, if you compare the cost of the
17 Pacheco Pass to San Jose to the AP Valley to the train
18 connection, the Pacheco Pass routing is 6,946,000, the
19 AP Valley routing 4,831,000. The AP Valley is about
20 \$2 billion cheaper. And it is not necessary to have
21 build 70 miles of redundant double track which the
22 Pacheco Pass would require.

PSSac3-6

23 There are other factors favoring the
24 Altamont Pass as well. The largest travel market in the
25 state is 2,000 business plans between San Joaquin Valley
1 and other metro areas. The third largest travel market
2 in the state is between Sacramento and San Francisco.
3 The Altamont Pass routing allows you to keep Merced,
4 Modesto, and Stockton on the direct line to San
5 Francisco. The Pacheco Pass routing does not. It also
6 favors the Sacramento to San Francisco market because it
7 is foolish. Once the Sacramento extension is built, do
8 you think that people will travel almost halfway to
9 Los Angeles to travel between these two cities?

PSSac3-7

10 In addition, you have two existing rail right
11 of ways in the Altamont Pass. One is the operating UP

PSSac3-7 Cont.

12 line which may or may not be for sale at the right price
13 and the others in the abandon, I believe, right of way
14 to southern pacific. My guess is that part, if not all,
15 of one of the other could be rebuilt at a High-Speed
16 Rail standards. And let us not forget how much easy it
17 is -- it might be to obtain environmental clearance.

PSSac3-8

18 The issue could have been decided years ago
19 but politics being politics and sometimes wrongly used
20 it's never that simple. The original recommendation by
21 the High-Speed Rail Commission recommended the Altamont
22 Pass, but it was left of 2,000 business plan. Because
23 of overwhelming objections, it had to be restudied. The
24 problem is the High-Speed Rail Authority could have
25 saved \$1.7 million dollars to spend on other issues and
1 be two hours ahead of what's necessary to have to do
2 this all over again. Thank you.

3 HON. QUENTIN KOPP: Do you have a copy of your
4 statement?

5 MR. STRAKOSCH: I can give you this or I could
6 just give one to the clerk.

7 HON. QUENTIN KOPP: Why don't you give us --
8 that to Rose Mary.

9 Mr. Bailey, maybe you want to remove your hat,
10 you're inside a public domain.

11 MR. BAILEY: Sorry about that.

12 HON. QUENTIN KOPP: Public hearing.

13 MR. BAILEY: I just want to start by saying I
14 had the good fortune to take the Paris to Lyon train in
15 January, it really was a wonder. And I think it's going
16 to be like high speed internet. And like TiVos and
17 DVRs, once we get it completed, people are just
18 wondering why it didn't happen sooner.

19 Going on the website on the high rail --
20 High-Speed Rail authority, it stated that the
21 projections in the next 10 or 15 years, if this were
22 completed within the Altamont Pass, would ultimately be
23 serving 96 million passengers annually and that the
24 Pacheco Pass would considerably serve up to 80 million.

25 Just looking on the demographic point of view,
1 I really don't see where -- as the gentleman mentioned
2 earlier, how we're connecting major metropolitan areas
3 like Modesto, Stockton, Tracy, Livermore, and Sacramento
4 region to the Bay Area. How you can have a 16 percent
5 only differential when the Pacheco Pass, after you get
6 south of Morgan Hill or Gilroy, you have really nothing
7 until you get to Merced. I think those are pretty
8 liberal projections. I think they are a little bit
9 bias. I don't know how they came up with that.

10 And secondly, as he also mentioned earlier,
11 the last year or two, the city is over a hundred
12 thousand people in the country. Elk Grove is actually
13 the fastest growing city in this country. And we have a
14 huge problem here just in Sacramento going north and
15 south and we do have a somewhat nominal light rail going
16 east and west. We have nothing to speak of going --
17 connecting from the airport and down south. And it
18 would be -- I would think it was just be a natural
19 progression if the Altamont Pass route were approved,
20 that there would be no time at all before Elk Grove or
21 cities like that from Sacramento would be connected down
22 to Stockton.

23 And once again, I think the focus -- rather
24 than putting the focus on getting north and south from
25 the Bay Area to Los Angeles, I think if you look at the
1 European model or the Japanese model, it's -- the focus
2 is going to come down to more just demographics within
3 city to city. I think you're going to see a lot more
4 movement east and west between these cities that I spoke
5 of or getting from the Bay Area to the Valley and back
6 to the cities of the Valley, rather than putting all
7 this emphasis on just getting from San Jose or from the
8 Bay Area all the way down to LA.

9 Most people, whether it's on business or
10 pleasure, are not going to be traveling more than four
11 or five times a year probably from northern to southern
12 California. Whereas, as it was mentioned earlier, with
13 the gridlock going east to west, there are many, many
14 weekends when we go snow skiing up at Lake Tahoe or
15 you're just going from the Bay Area to Sacramento. You
16 know, you're looking some, on a good, good day, three
17 hours on that day, could be five to six hours.

18 And then there's the factors of -- if you go
19 to the website, you talk about the wetlands that are
20 affected which is twice as many lands affected in
21 Pacheco. There's almost 400 acres more of needed
22 farmlands that will be taken out of the picture if it
23 goes to Pacheco.

24 So it just seems to me across the board, you
25 know, cost, demographics, everything, I just -- I'm
1 still wondering other than the influence that maybe it
2 is coming out of San Jose, which is already going to be
3 on the line anyway. And those towns from the south, I'm
4 just -- I'm befuddled how the Pacheco Pass is even to be
5 this much in a debate if it's an either/or. If they can
6 afford to do the whole thing, that's great. But if it's
7 any either/or, to me it's just overwhelming that you

PSSac4-1

8 would, you know, consider the demographics and the
9 travel time. You know, you're going to have twice as
10 much travel time, like you mentioned earlier, going from
11 Sacramento to the Bay Area if you go through the Pacheco
12 than if you do to Altamont and then all of those other
13 communities in between.

14 HON. QUENTIN KOPP: Thank you.

15 Tom Enslow, Grassland Water District, and Rob
16 Wilson from Pleasanton, and Allen Miller from the Train
17 Riders' Association.

PSSac5-1

18 MR. ENSLOW: Good afternoon. First of all, my
19 name is Tom Enslow. I'm with the law firm of Adams,
20 Broadwell, Joesph & Cardoza. I'm here today on behalf
21 of the Grassland Water District, Grassland Resource
22 Conservation District, and the Grassland Conservation
23 and Education Fund.

24 These agencies are nonprofit conservation
25 organizations strongly opposed the proposed Pacheco Pass
1 alignment options over the Henry Miller Road and Highway
2 140 due to their potential result in devastating impacts
3 on the Grassland Ecological Area.

PSSac5-2

4 The Grassland Ecological Area is located west
5 in of Merced and north and south of Los Banos. And it's
6 the largest fresh water wetland complex in California

PSSac5-2 Cont.

7 and it contains the largest block of contiguous wetlands
8 remaining in California.

9 The Grassland Ecological Area or GEA has been
10 recognized nationally and internationally as a critical
11 winter habitat for the migratory waterfowl and
12 shorebirds of the Pacific Flyway. This has been
13 designated as a globally important bird area and wetland
14 of international importance, and is one of the only 15
15 internationally significant shorebird habitats. In
16 addition, GEA provides habitat to more than 550 species
17 of plants and animals including 47 special status
18 species.

PSSac5-3

19 The Draft EIR/EIS evaluates just two Pacheco
20 alignment options, as the High-Speed Train turns west
21 from the Central Valley to the Bay Area. These two
22 alignments consist of a highway 140 alignment which is
23 also known as the GEA north alignment as it bisects the
24 northern corner of the grassy ecological area and the
25 Henry Miller Road alignment which bisects a critical and
1 endangered corridor separating the north GEA to the
2 south GEA. Both of these alignments pose a serious
3 threat to the Grassland Ecological Area. It could
4 result in substantial injury to this internationally
5 important resource.

PSSac5-3 Cont.

6 Potential impacts include interference in
7 wildlife movement and migration corridors, degradation
8 of water quality, and noise and vibration impacts on the
9 nesting, mating and migration habitats of waterfowl,
10 collision and electrocution impacts on migrating birds
11 and other wildlife that use this corridor, the
12 inconsistent growth in and adjacent to the Grassland
13 Ecological Area.

14 Because of the importance of this area, we
15 have been initially told by the staff that the
16 Authority -- this process would consider alternative
17 Pacheco alignment that would avoid that Grassland
18 Ecological Area altogether. The EIR/EIS, however, fails
19 to look at any such option without any explanation for
20 this failure.

PSSac5-4

21 The proposed alignment through the GEA north
22 is a troublesome alignment because it will create new
23 fragmentation impacts. However, the Henry Miller Road
24 alignment poses even a greater danger to the GEA because
25 it would further fragment at critical southern spur of
1 the Grassland Ecological Area from the rest of the
2 contiguous wetlands and isolate an additional small
3 sections of wetlands as well.

4 The contrary to the assumptions made in the

5 EIR/EIS, construction of a few wildlife underpasses
6 alone would likely be insufficient to address this
7 impact especially along Henry Miller Road.

8 Fragmentation does not require complete
9 separations. Rather, it is a relative cumulative
10 problem, an issue along the Henry Miller Road is the
11 note of impact. This is an already dangerously
12 fragmented area.

13 A study that we have submitted by noted
14 conservation biologist Reed Noss have concluded that
15 quote, any further fragmentation of vulnerable linkage
16 between the north and south units of the Grasslands
17 Management Area could well provide the final blow for
18 fragmenting the wetland ecosystem, end quote, could have
19 a profound effect in movement of waterfowl between
20 different parts of the refugees they now utilize on a
21 daily basis, end quote. Our biologists believe that the
22 proposal on the Henry Miller Road could very well be
23 this final blow.

24 Now, unfortunately, the Draft EIR/EIS fails to
25 disclose or evaluate or to assess cumulative
1 fragmentation impacts whatsoever. Moreover, the Draft
2 EIR/EIS is astoundingly concludes that the Henry Miller
3 Road alignment would not have any impact on the

PSSac5-4 Cont.

4 Grassland Ecological Area. This conclusion lacks any
5 foundation. No rationale, or any explanation provided
6 to support this conclusion. And this conclusion
7 directly contradicts undisputed evidence on the expert
8 comments of numerous federal, state and local agencies
9 that have been provided to the Authority both prior --
10 during the prior Program EIR/EIS proceedings and during
11 the NOP comment period for this proceeding.

PSSac5-5

12 We're particularly frustrated with the failure
13 to review or evaluate extensive reports and studies on
14 this issues that we provided during the NOP. You know,
15 frankly, we're not sure what the purpose of the NOP
16 comments were, given that they appear to have been
17 wholly ignored in the preparation of this document.

PSSac5-6

18 We're also frustrated that the Draft EIR/EIS
19 fails to identify potential impact of the Pacheco Pass
20 alignment on the Grassland Ecological Area as an area of
21 controversy. Literally, thousands of pages of comments
22 have been submitted on this issue by federal, state and
23 local agencies as well as enviromental groups. This is
24 a huge controversy and it needs to be recognized as such
25 in the EIR/EIS in summary which is what most people are
1 going to read of this document.

PSSac5-7

2 More importantly, the Draft EIR/EIS must be

PSSac5-7 Cont.

3 revised to adequately disclose, evaluate and mitigate
4 the project's potential impacts in the Grassland
5 Ecological Area. The evaluation of impacts contained in
6 Draft EIR/EIS were woefully inadequate. Numerous
7 potential impacts raised in our NOP comment letter were
8 simply ignored, and the conclusions regarding impacts
9 and mitigation measures lacks foundation.

10 The document, for example, contains absolutely
11 no analysis of potential impacts on migrating birds
12 despite the internationally recognized significance of
13 this area for migrating waterfowl and shorebirds.

14 While the EIR/EIS recognizes the existence of
15 some special status species in the area or even these
16 the document improperly defers analysis of the actual
17 impacts on the species.

18 In addition, throughout the document
19 mitigation measures are improperly deferred or consist
20 of vague or unenforceable mitigation strategies. These
21 failures render the document legally inadequate.

PSSac5-8

22 The document's also deficient because, as some
23 other commentaries just mentioned, fails to address the
24 widespread concern over growth impacts due to the
25 commuter use of this project from the Central Valley to
1 the Bay Area.

PSSac5-8 Cont.

2 My clients have already heard from developers
3 about land speculation on the Los Banos/Merced area
4 based on the assumption that a Pacheco alignment will
5 reduced travel time in San Jose to a half-hour.

6 Commuter growth impacts related to the Henry
7 Road alignment are particularly worrisome because of
8 tremendous pressure a Henry Miller Road alignment would
9 create to locate a station stop in or near in the Los
10 Banos. As you're probably aware of the Henry Miller
11 Road alignment would skip Merced during the initial
12 LA-to-San-Jose phase of this project. The DEIR fails to
13 address where a Merced area and Central Valley station
14 would be located in that case.

15 As we have explained in our prior comments on
16 this issue, a Los Banos station would create disastrous
17 growth pressures in and around the Grassy Ecological
18 Area.

19 And we feel a Henry Miller Road alignment,
20 even if the Los Banos station is not included today.
21 It's going to be create land speculation to actually put
22 a station there.

PSSac5-9

23 In conclusion, the numerous flaws and
24 omissions in the EIR/EIS appear weighted toward
25 selecting an alignment along Pacheco Pass, most likely

PSSac5-9 Cont.

1 on the Henry Miller Road. Such results oriented
2 document fails to meet the basic requirements of CEQA
3 and NEPA and is legally inadequate.

PSSac5-10

4 Nevertheless, even with the numerous flaws and
5 omissions in the EIR/EIS, this study still confirms that
6 Altamont is the preferred alignment. Altamont would
7 have significantly high ridership. The community
8 ridership is taken into consideration. Lower
9 operational cost, fewer farmland, flood plain, and
10 special status species impacts, and fewer unavoidable
11 wetland impacts.

12 When the flaw of an omissions of this document
13 are corrected, we believe that there's no question,
14 Altamont alignment is environmentally, and economically
15 preferred than the Pacheco Pass alignment.

16 However, the authority is nonetheless attuned
17 to push through the Pacheco alignment, alternative
18 routes must be evaluated, which would avoid Grassland
19 Ecological Area all together.

20 Thank you for your time and for your
21 consideration of these comments.

22 HON. QUENTIN KOPP: Is that a written
23 statement or are those your notes?

24 MR. ENSLOW: No. They are notes. We will be

25 submitting --

1 HON. QUENTIN KOPP: Oh, you're going to submit
2 that statement. Thank you.

3 Rob Wilson.

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4 MR. WILSON: Good afternoon. Thank you for
5 the opportunity to speak before you. I'm representing
6 the City of Pleasanton that's located west of the
7 Altamont Pass in the Tri-Valley area. I'm purposely
8 here to going two-fold. One is to present written
9 comments that I will leave and second is just to briefly
10 summarize those comments as it relates to City of
11 Pleasanton. We are mainly affected by the Altamont
12 alignment, and we'll be speaking for the Pacheco Pass as
13 that alignment.

14 As is contemplated in the EIR, there are two
15 alignments which impacts the City of Pleasanton. The
16 first is using the I-580 and I-680 Corridor, I mean,
17 elevated structure. And the second is using the
18 existing Union Pacific alignment which runs through the
19 center of Pleasanton.

20 Our concerns with that is that the environment
21 document do not really adequately address what we
22 believe is the significant impacts of the elevated
23 structure. The City of Pleasanton has a historic

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24 downtown, this elevated structure will be right next to
25 it. And also that is adjacent to three parks -- excuse
1 me, three schools as well as a large park. Those
2 impacts we think really need to be looked at a little
3 closer. For those reasons, we can't support that
4 alignment.

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5 We are however looking into other
6 possibilities the EIR can further explore versus a
7 little more detail in the I-580, I-680 alignment,
8 specifically how it's going to look, how the alignment
9 will be put forth, and then be able to address that at a
10 later date.

11 And lastly, it's a new proposal which would be
12 that the Altamont alignment be stopped at Livermore, and
13 a Livermore facility hook up to BART, hook up to
14 regional bus systems, as well as the potential for the
15 ACE train, the Altamont Commuter Express. And on the
16 Pacheco Pass would be the major route for those wishing
17 to travel to the Bay Area itself.

18 So that -- those are the comments, and I'll
19 submit the letter. Thank you.

20 HON. QUENTIN KOPP: Thank you.

21 Have you written those yet?

22 MR. WILSON: This is the letter. This is the

23 letter that's being written along.

24 HON. QUENTIN KOPP: Thank you.

25 Alan Miller.

1 Is Lieutenant Governor Garamendi here? Does
2 anybody received notice that he will testify in the --
3 he made it a point to request this additional public
4 hearing.

5 Mr. Miller, Train Riders' Association, and
6 that appears to be -- or he appears to be our last
7 witness.

8 MR. MILLER: Is it alright if I stand?

9 HON. QUENTIN KOPP: Yeah, sure.

10 MR. MILLER: Okay. A picture is worth a
11 thousand words. And this is a picture. It is a
12 satellite photo taken from space of the city lights of
13 the Bay Area and the Central Valley to the east. And
14 briefly there for the audience.

15 The blue is the Pacheco and the yellow is
16 Altamont. As you can see, there are many more lights
17 along this route which includes Modesto near Stockton,
18 Tracy, the Amador Valley near to the east bay. There
19 are, in fact, you know, the -- like Santa Cruz and
20 Gilroy and so forth. The comment is they would like
21 Pacheco. There are, in fact, two and a half million

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22 more people in this region here than there are in
23 Santa Cruz, San Benito, and Monterey counties. That
24 also translates into more votes when you have a bond on
25 the ballot.

1 Now, when this is completely built out, and
2 you can see from down here, parting and then back
3 together up to San Francisco roughly the same mileage.
4 But when you then add on from Pacheco up here to
5 Sacramento in phase 2, you have this much more mileage,
6 roughly 70 or so miles for your total system which has
7 to be built, paid for, land acquired, and then operated
8 and maintained in perpetuity. Pacheco --

9 HON. QUENTIN KOPP: Explain, where is this 70
10 miles?

11 MR. MILLER: It's a little difficult to
12 explain. But if you're just going to San Francisco in
13 phase 1 and San Jose, you have these two routes, which
14 is visually you can see it roughly the same miles. When
15 you then add on phase 2, you have to go from this point
16 down here all the way up to Sacramento.

17 If you do Altamont, instead of having these
18 two parallel routes, you know, roughly parallel one
19 going to San Francisco and one to Sacramento, you share
20 this much of the right of way to this point. So you

21 only have to build this distance from Tracy to
22 Sacramento. So when the entire system is built out,
23 there will be more total miles via using Pacheco in
24 order to serve San Jose and San Francisco and
25 Sacramento.

1 The Pacheco profile is steeper; therefore, it
2 takes more energy to lift the people up to higher
3 elevation and bring them back down. Every train in
4 perpetuity.

5 San Jose is very important. It's very
6 populated that's why it's very white on this photograph.
7 The disadvantage for San Jose is that it takes ten
8 minutes longer to go to point south than does this way
9 because you have this 12-mile leg. But still, San Jose,
10 to get to point south, is still 15 or 20 minutes less
11 time than for people coming from San Francisco. In
12 addition, for people going from San Jose over Stockton
13 and Sacramento, much faster going via Altamont than down
14 and back up. For people going from San Francisco -- or,
15 for instance, from Sacramento -- from Sacramento over to
16 San Francisco, 270 miles roughly, I think. And this is
17 85 miles via Capitol Corridor, 120 miles, just over an
18 hour's travel time by Altamont rather than two hours
19 going --

20 HON. QUENTIN KOPP: What are you showing over
21 there at the bottom of the bay, South Bay, what is that?

22 MR. MILLER: Here?

23 HON. QUENTIN KOPP: Crossing above the 12-mile
24 segment, what are you showing there? Is that the
25 Dumbarton Bridge?

1 MR. MILLER: Dumbarton Bridge, yes.

2 HON. QUENTIN KOPP: Okay.

3 MR. MILLER: Okay. For Silicon Valley
4 commuters, it takes them where they want to go, where
5 they live.

6 HON. QUENTIN KOPP: I don't mean the Dumbarton
7 Bridge, I should correct that.

8 MR. MILLER: Dumbarton Express, yes.

9 HON. QUENTIN KOPP: Express?

10 MR. MILLER: Yes.

11 HON. QUENTIN KOPP: Okay.

12 MR. MILLER: So many of the commuters coming
13 from the Central Valley come from this area, this will
14 serve people going both in San Francisco and into
15 San Jose at a much faster speed. The San Jose would get
16 its own terminal and the trains -- number of trains that
17 San Jose would get and San Francisco would get to be
18 proportional to the population as roughly to the market.

19 Roughly San Jose would get about 40 percent.

20 HON. QUENTIN KOPP: And what are those two Xs?

21 MR. MILLER: The two Xs are -- this is a
22 geographic center of the nine Bay Area counties, and
23 this the population center of the nine Bay Area
24 counties.

25 HON. QUENTIN KOPP: The bottom X -- this is
1 for the court reporter -- population center, and then
2 the higher X is for the geographic center.

3 MR. MILLER: Geographic center, roughly.

4 And the point being that all these people
5 here, couple of million people in east bay, in the
6 Amador Valley, to get down to train would have to cross
7 these bridges, park in parking lots, and take public
8 transit which is somewhat slow, come down here to
9 San Jose or with Altamont we have the option of taking
10 BART and so forth or can drive down to stations along
11 here. So it brings it much closer to the population
12 geographic center.

13 For San Francisco -- or to get from
14 Sacramento/San Francisco, it is three times further to
15 go this distance than on the Capitol Corridor, but it's
16 three times faster. So it's kind of a wash, and it's
17 not really a practical way to get people from one to the

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18 other by High-Speed Rail.

19 I want to make one comment about the hybrid
20 idea which is being thrown out there. I think it's a
21 really good way for people who are politicians or agency
22 heads to say they are in favor of the hybrid option.
23 And it sounds great except that it costs a few billion
24 dollars more, and it's impractical to say that that can
25 be done in phase 1.

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1 Now, this dark area here, the reason it's dark
2 is this is wilderness here and this is the Grassland and
3 Water District Area. That's what this is passing
4 through. This, on the other hand, freeways and
5 population spine of California.

6 There is a few things I have heard. These are
7 not all actually in the EIR, but they have somehow
8 gotten out loosely and therefore stands have been taken
9 on it. One that I believe is in the EIR is that the
10 bridge over the bay of Dumbarton needs to be at an area
11 other than where the actual right of way is currently.
12 And I believe that we can build it on the fair right of
13 way, therefore have a minimum effect on the wetlands
14 there.

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15 The idea that there is -- this is an EIR that
16 there is a great deal more recreational travel by going

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17 via Pacheco rather than Altamont. I don't see how that
18 is substantiated. The idea that there is greater
19 revenue from San Francisco to Sacramento when you're
20 traveling 270 miles, you have to price this by the
21 distance between the two points, not by the distance
22 that people are going to have traveled because of an
23 extremely long route.

24 Also, the MTC has their preferred route for
25 Altamont and San Jose is via Redwood City, which adds an
1 extra 18 minutes to the already 10 greater minutes going
2 via Pacheco -- Altamont other than Pacheco. This makes
3 it appear that San Jose is at a much greater
4 disadvantage that it actually is because that is not
5 practical routing to get people to San Jose.

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6 And some of these elevated structures, the
7 idea of going through the middle of Fremont an elevated
8 structure just invites Fremont to oppose this, which
9 they have. And I think that it is much more practical
10 is there are places such as the PGE right of way in the
11 City of Fremont where it's just a few miles. And I
12 think that the idea of a trench --

13 HON. QUENTIN KOPP: Fremont is opposed to
14 High-Speed Rail?

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15 MR. MILLER: They have opposed the Altamont

16 alignment --

17 HON. QUENTIN KOPP: They have not opposed
18 High-Speed Rail.

19 MR. MILLER: No, no, no. They opposed the
20 Altamont alignment. I want to make that clear.

21 HON. QUENTIN KOPP: They support High-Speed
22 Rail.

23 MR. MILLER: Yes. I want to make that clear
24 because they're concerned about the elevated structures
25 going through their neighborhoods. And that's a very
1 short distance. And I think that it is much more
2 practical to go into a trench.

3 The point here, to conclude, is follow the
4 people and follow the lights.

5 HON. QUENTIN KOPP: Okay.

6 MR. MILLER: Thank you.

7 HON. QUENTIN KOPP: Thank you. Are you going
8 to leave that with us or --

9 THE WITNESS: This?

10 HON. QUENTIN KOPP: Yeah.

11 MR. MILLER: I will make you some small copy.

12 HON. QUENTIN KOPP: You make a copy. Thank
13 you.

14 And we have got one more card, Dr. Rudolf

15 Rosen of Ducks Unlimited.

16 DR. ROSEN: Thank you. Mr. Chairman, members
17 of the committee, my name is Rudolf Rosen. I am
18 director of the western regional office of Ducks
19 Unlimited. And we are here today to express concerns
20 about the alignment that would go through or be adjacent
21 to the Grassland's Ecological District.

22 Ducks Unlimited is a nonprofit conservation
23 organization that focuses on wetlands protection and
24 preservation throughout the United States. We have
25 600,000 members throughout the US, about 50,000 of which
1 reside in California. Currently in California we have
2 about 200 restoration -- wetland restoration projects
3 underway. I have staff present there who work with
4 other members of the conservation community such as the
5 US Fish and Wildlife Service who also have expressed
6 concerns about any alignment that would pass through the
7 Ecological District or be adjacent to it.

8 You have already heard discussion today about
9 the value of the District to wetlands and waterfowl and
10 issues that have to do with some specific alignments.
11 These were already described. And what I would like to
12 do is augment my presentation today with detailed
13 written comments that would be provided later.

14 HON. QUENTIN KOPP: Yeah. Well, you have got
15 another month to do that.

16 DR. ROSEN: Apparently so.

17 HON. QUENTIN KOPP: Right.

18 DR. ROSEN: From the perspective of Ducks,
19 about 20 percent of the entire population of the Pacific
20 Coast waterfowl resource winters in the Ecological
21 District. That's between half a million and a million
22 birds visit the Ecological District each year in the
23 Grasslands. That's a significant proportion of all the
24 birds. And these are birds that migrate all that way to
25 Russia, Alaska, Canada through the United States and
1 down into Mexico, Central America, and sometimes beyond.

2 The significance of the Grasslands Ecological
3 District Area has been described before but it is
4 immense when it comes to waterfowl and other water
5 birds. As a result, potential for impact due to any
6 alignment that would pass through the Grasslands and
7 because there is an alternative, the Altamont
8 alternative, we recommend that alternative or at least
9 any alternative that does not impact Grasslands as a
10 preferred alternative recommendation for Ducks
11 Unlimited.

12 Thank you, Mr. Chairman.

12 foregoing proceedings and caption named, nor in any way
13 interested in the outcome of the cause named in said
14 caption.

15 Dated the 10th day of October, 2007.

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ANGIE MATERAZZI CSR NO. 13116

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